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OCT 03 2005

**FACSIMILE TRANSMISSION**

DATE: October 3, 2005

TIME IN:  
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TO:

Name	Fax Number	Phone Number
Examiner Julie Lieu U.S. Patent and Trademark Office	571-273-2978	571-272-2978

FROM: David O. Caplan *re: issue* PHONE: 602-382-6284  
RE: Serial No.: ~~10/323,473~~ *09/398,274*  
Filed: December 18, 2002 *616 3256*  
Art Unit: 2632  
Docket No.: 42247.0100

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**MESSAGE:**

Examiner Lieu,

Per your request, attached is a copy of the Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent. Please contact me if you need any additional information.

Thank you,  
David O. Caplan

ORIGINAL DOCUMENT: Will not be sent

NUMBER OF PAGES (Including Cover) *62*

CONFIRMATION NO.:

CLIENT MATTER NO.: 42247.0100

PLEASE RETURN TO: Suzie M. 16s07

PERSONAL FAX: No

REQUESTOR:

David O. Caplan

DIRECT LINE:

602-382-6284

IF YOU HAVE NOT PROPERLY RECEIVED THIS TELECOPY, PLEASE CALL US AT (602) 382-6075.  
OUR FACSIMILE NUMBER IS (602) 382-6070.

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OCT 03 2005 #6

PTO/SB/06 (07-05)

Approved for use through 03/31/2008. OMB 0651-0018  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))</b>	Docket Number (Optional) 42247.0100
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Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 8,163,256 Application Number 10/323,473 *reissue app (09/30/99, 274)*

Issue Date December 19, 2000 Filing Date December 18, 2002

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above - Identified patent:

- ☐ is a reissue of original Patent No. \_\_\_\_\_ original issue date \_\_\_\_\_  
original application number \_\_\_\_\_  
original filing date \_\_\_\_\_
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application \_\_\_\_\_ filed on \_\_\_\_\_

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. *Facsimile*

26 August 2005  
Date

Suzie G. Mascari  
Signature

Suzie G. Mascari  
Typed or printed name of person signing Certificate

(Page 1 of 3)

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/88 (07-05)

Approved for use through 05/31/2008, OMB 0651-0016  
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1985, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 1/2 yr fee	(1551)	<input checked="" type="checkbox"/> \$ <u>450.00</u>	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input type="checkbox"/> \$ _____	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 450.00

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(l)(2) of \$ 1,640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

SURCHARGE BEING SUBMITTED \$ 1,640.00

## 5. MANNER OF PAYMENT

- ☐ Enclosed is a check for the sum of \$ \_\_\_\_\_.
- ☒ Please charge Deposit Account No. 19-2814 the sum of \$ 2,090.00. A duplicate copy of this authorization is attached.
- ☐ Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

- ☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 19-2814. A duplicate copy of this authorization is attached.

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PTO/SB/66 (07-06)

Approved for use through 05/31/2006. OMB 0851-0016

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**7. OVERPAYMENT**


As to any overpayment made please

- ☐ Credit to Deposit Account No. \_\_\_\_\_
- OR
- ☐ Send refund check.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**8. STATEMENT**

The delay in payment of the maintenance fee to this patent was unintentional.

**9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.**  
Signature(s) of Petitioner(s)August 26, 2005  
DateDavid O. Caplan  
Typed or printed name(s)41,855  
Registration Number, if applicable602-382-6284  
Telephone NumberSnell & Wilmer L.L.P.  
AddressOne Arizona Center, 400 East Van Buren, Phoenix, Arizona 85004-2202  
Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

**ENCLOSURES:**

- ☐ Maintenance Fee payment
- ☐ Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)
- ☒ Statement to Accompany Petition to Accept an Unintentionally Delayed Payment of a Maintenance Fee

(Page 3 of 3)

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**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being via Facsimile (571-273-8300) on the date shown below and is addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: August 26, 2005

By

Luigi J. Mascari  
(Signature of Person Sending Facsimile)

**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

-- PATENT --

Applicant: Jeffrey C. Brown

Patent No. 6,163,256

Serial No.: 10/323,473

Issued: December 19, 2000

Title: **BRAKE LIGHT APPARATUS**

**STATEMENT TO ACCOMPANY PETITION TO ACCEPT AN UNINTENTIONALLY  
DELAYED PAYMENT OF A MAINTENANCE FEE PURSUANT TO 37 C.F.R. §1.378(c)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant hereby petitions the Commissioner to accept an unintentionally delayed payment of a maintenance fee for the reasons set forth below.

U.S. Patent No. 6,163,256 ('256 Patent), which is the subject of this petition, was filed on September 20, 1999, and later issued on December 19, 2000. The patent remains in the name of the Applicant, Jeffrey Brown. At the time this patent issued, Mr. H. Gordon Shields was Mr. Brown's legal counsel and was responsible for maintaining the patent.

In late 2002, Mr. Brown retained the undersigned, David O. Caplan, for the limited purposes of filing a reissue patent application. The reissue patent application was filed on December 18, 2002 and assigned the serial number of 10/323,473. At the time of the filing of the reissue patent application, the '256 Patent, was active. It was understood that Mr. Shields was responsible for maintenance of the '256 Patent.

In late July, the undersigned received a call from Examiner Julie Lieu of the U.S. Patent and Trademark Office. Examiner Lieu is the examiner for the reissue patent application and Examiner Lieu was inquiring as to payment of the 3.5 year maintenance fee. This was the first indication received by Applicant or Applicant's counsel, David Caplan, that the 3.5 year maintenance fee for the '256 Patent had not been paid. After investigation of this matter, it was determined that Mr. Shields had passed away and responsibility for payment of the maintenance fee had not been transferred. Although a standard business procedure was in place for payment of the maintenance fee, the 3.5 year maintenance fee was unintentionally not paid due to the passing away of Mr. Shields.

Thus, the entire delay in paying the 3.5 year maintenance fee from the due date for the fee until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b) was unintentional. Accordingly, Applicant hereby promptly petitions the United States Patent and Trademark Office to accept the unintentionally delayed payment of the 3.5 year maintenance fee for U.S. Patent No. 6,163,256 which is enclosed along with the surcharge required by §1.20(i) and to reinstate U.S. Patent No. 6,163,256.

Respectfully submitted,

Dated: August 26, 2005

By: David O. Caplan

David O. Caplan  
Reg. No. 41,655

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